



HO-CHUNK NATION

OPPOSITION OF AQUILA RESOURCES BACK FORTY OPEN PIT METALLIC SULFIDE MINE WETLAND PERMIT

The Ho-Chunk Nation (Nation) appreciates the opportunity to provide comments to the State of Michigan Department of Environmental Quality on the proposed wetland permit for the Aquila Resources Inc. proposed Back Forty Project in Lake Township, Menominee County, Michigan, Submission Number: 2NN-5PE0-MT3W.

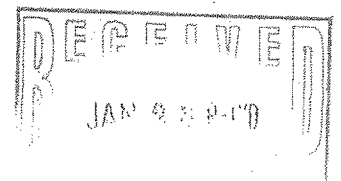
Wisconsin is home to 11 federally recognized tribes covering all portions of the state with reservation land, ceded territory, and traditional homelands. Only two of these tribes claim aboriginal (pre-colonial) roots to the state; the Ho-Chunk and the Menominee. This unique quality allows the state to boast its rich history of indigenous culture, music, art, and language along with being a model of governance between the recognized sovereign nations. Wisconsin has vast regions of ancient, archeological sites containing burials and sacred earthworks perpetually held by both tribal and non-tribal communities as places of reverence and worthy of protection.

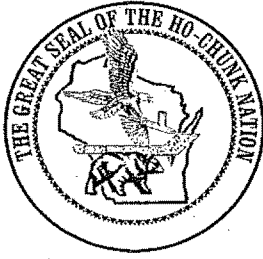
The proposed Back Forty Project site lies within 75 miles of the region of origin of the Ho-Chunk people, a place that is now called Green Bay, but historically known to the Ho-Chunk people as Moogasuc or *Red Banks*. In addition, both the Menominee, Stockbridge-Munsee and Oneida Nation reservations lie within the Northeast Region of Wisconsin along with several Ho-Chunk tribal families in the Green Bay and surrounding community.

The Back 40 Mine site is situated at the mouth of the Menominee River, the site of origin according to the oral tradition of the Menominee people. Both archeological and oral tradition leaves this known location and history an undisputed Traditional Cultural Property (TCP). For this reason, the Nation is concerned with the site evaluation and predictive models concerning the cultural properties. The reports provided as part of the wetland permit application are generally only reconnaissance level surveys that provide a basic overview.

The Nation also shares the Menominee Nation's concerns regarding the level of testing, if any, of the predictive models. Furthermore, it is clear that evaluations have not been conducted on many sites. The proposed wetland fill associated with this project may endanger or even destroy sites that have not been adequately evaluated. The specific mine location and the adverse and imminent environmental impacts downstream clearly put the Menominee's culturally significant landmark and other historical elements that constitute both the Ho-Chunk and Menominee's vast oral tradition in jeopardy. The proposed project represents a unique threat to the overall cultural landscape.

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In addition, the proposed project area is not only a cultural district steeped in history of the Menominee Nation but it is also has a rich outdoor heritage of hunting, fishing, trapping and other recreation rooted in the region's robust wildlife populations and diverse habitats. In fact, the hunting and fishing economy in the region exceeds that of many traditional "industry or development" based economies – emphasizing the importance of protecting vital fish and wildlife habitats. For this reason, careful thought and a science-based approach must also be component of your permit decisions related to natural resources, including wetlands.

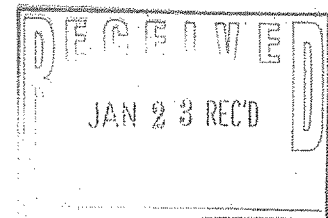
The Nation utilizes wetland resources for everyday needs including recreation, cultural practices and as a source of food. The Ho-Chunk Nation seeks to preserve the practices of their remaining cultural heritage and is therefore dedicated to protecting and improving the quality of wetland resources within the Nation's Territory and surrounding areas. Wetlands in the project area provide multiple functions on the landscape that are significant and important to health and well-being of the natural environment and tribal and non-tribal community. The project will cause irreparable harm to wetland resources that provide habitat for game species and rare or unique plants and animals. These wetlands also serve as natural filters on the landscape and protect groundwater and surface water from harmful pollutants.

Therefore, it is the position of the Ho-Chunk Nation to **OPPOSE** Aquila Resources, Inc. Back Forty Project and respectfully requests that the wetland permit be denied as the proposed wetland fill will potentially disturb or destroy tribal archaeological resources, treaty protected natural resources, and threaten the fishery of the Menominee River.

Furthermore, the Ho-Chunk Nation offers their support to the Menominee Nation, the Citizens of the States of Michigan and Wisconsin, and to the local businesses who oppose the Back Forty Project for the protection of the region's pristine resources and cultural landscapes and in honor of the rich indigenous cultural history both the State of Michigan and State of Wisconsin are fortunate to have.

Sincerely,

Wilfrid Cleveland
Ho-Chunk Nation President



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